

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

YULONDA YVETTE RICHARDSON §
v. § CIVIL ACTION NO. 6:08cv2
DIRECTOR, TDCJ-CID §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Petitioner Yulonda Richardson, proceeding *pro se*, filed this application for the writ of habeas corpus under 28 U.S.C. §2254 complaining of the legality of her confinement. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Richardson's petition refers to convictions from Dallas County from 1988, 1989, 1991, and 2002, and also complains about a disciplinary case which took place at the Lane Murray Unit in December of 2006, for which she was demoted in classification status and lost 555 days of good time. She says that she received ineffective assistance of counsel in her criminal cases, and that she was not guilty of the disciplinary offense because she was charged with assaulting a correctional officer, but the object that she threw at the officer did not hit him.

The Magistrate Judge noted that TDCJ records show that Richardson is currently serving four sentences, two from Dallas County in 2003 and two from Collin County in 2004. Richardson has filed 11 state habeas corpus petitions, but only three of these have received final rulings. None of the cause numbers for the three convictions on which Richardson has received final rulings in state habeas proceedings are mentioned in her petition.

After review of the pleadings, the Magistrate Judge issued a Report on April 11, 2008, regarding Richardson's case. The Magistrate Judge stated that to the extent that Richardson seeks to challenge the criminal cases which she mentions in her petition, she has not shown that she has exhausted her available state remedies. She states that she did not take direct appeals, and the records of the Court of Criminal Appeals show that the criminal cases to which she refers in her petition have not been the subject of completed habeas corpus proceedings. The Magistrate Judge therefore recommended that these claims, regarding the criminal convictions which Richardson sets out in her petition, be dismissed without prejudice for failure to exhaust state remedies. *See Richardson v. Procnier*, 762 F.2d 429, 431 (5th Cir. 1985).

With regard to the disciplinary case about which Richardson complains, the Magistrate Judge concluded that Richardson had failed to show the deprivation of a constitutionally protected liberty interest, and so her claim for habeas corpus relief regarding the disciplinary case should be dismissed with prejudice.

Richardson received a copy of the Magistrate Judge's Report on April 16, 2008, but filed no objections thereto; accordingly, she is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has carefully reviewed the pleadings and documents in this case, as well as the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus be and hereby is DISMISSED without prejudice with regard to the criminal convictions which she challenges in her

petition, and DISMISSED with prejudice with regard to the disciplinary case of which she complains. It is further

ORDERED that the Petitioner Yulonda Richardson is hereby DENIED a certificate of appealability *sua sponte*. The denial of a certificate of appealability shall not prevent Richardson from challenging the validity of her criminal convictions through any lawful means, including but not limited to seeking state habeas corpus relief under Article 11.07, Tex. Code Crim. Pro. Finally, it is hereby

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

So ORDERED and SIGNED this 28th day of May, 2008.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**